

HOUSE BILL 1117

M3, L6
HB 1335/11 – ENV

2lr2486

By: **Delegates Hershey and Jameson**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **Zoning, Construction, and Stormwater – Permits and Variances – Solar**
3 **Panels**

4 FOR the purpose of providing that, for the purposes of issuing a permit or a variance
5 relating to zoning, construction, or stormwater for a project to install a solar
6 panel, any calculation relating to the impervious surface of the project required
7 by certain State or local governing authorities may include only ~~a certain~~
8 ~~portion of the foundation or base supporting~~ the solar panel; establishing a
9 certain exception; defining a certain term; providing for the effective date of this
10 Act; and generally relating to the calculation of impervious surfaces for the
11 purposes of issuing a permit or a variance relating to zoning, construction, or
12 stormwater.

13 BY repealing and reenacting, with amendments,

14 Article – Land Use

15 Section 1–401 and 10–103

16 Annotated Code of Maryland

17 (As enacted by Chapter ____ (H.B. ____)(2lr0396) of the Acts of the General
18 Assembly of 2012)

19 BY adding to

20 Article – Land Use

21 Section 4–210

22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (As enacted by Chapter ___ (H.B. ___)(2lr0396) of the Acts of the General
2 Assembly of 2012)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Land Use**

6 1–401.

7 (a) Except as provided in this section, this division does not apply to charter
8 counties.

9 (b) The following provisions of this division apply to a charter county:

10 (1) this subtitle, including Parts II and III (Charter county –
11 Comprehensive plans);

12 (2) § 1–101(o) (Definitions – “Sensitive area”);

13 (3) § 1–201 (Visions);

14 (4) § 1–206 (Required education);

15 (5) § 1–207 (Annual report – In general);

16 (6) § 1–208 (Annual report – Measures and indicators);

17 (7) Title 1, Subtitle 3 (Consistency);

18 (8) § 4–104(b) (Limitations – Bicycle parking);

19 (9) § 4–208 (Exceptions – Maryland Accessibility Code);

20 (10) **§ 4–210 (PERMITS AND VARIANCES – SOLAR PANELS);**

21 **(11) § 5–102(d) (Subdivision regulations – Burial sites);**

22 **[(11)] (12) Title 7, Subtitle 1 (Development Mechanisms);**

23 **[(12)] (13) Title 7, Subtitle 2 (Transfer of Development Rights);**

24 **[(13)] (14) Except in Montgomery County or Prince George’s County,**
25 **Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);**

26 **[(14)] (15) Title 7, Subtitle 4 (Inclusionary Zoning);**

1 [(15)] (16) § 8–401 (Conversion of overhead facilities);

2 [(16)] (17) For Baltimore County only, Title 9, Subtitle 3
3 (Single–County Provisions – Baltimore County);

4 [(17)] (18) For Howard County only, Title 9, Subtitle 13 (Single–County
5 Provisions – Howard County); and

6 [(18)] (19) Title 11, Subtitle 2 (Civil Penalty).

7 (c) This section supersedes any inconsistent provision of Division II of this
8 article.

9 **4–210.**

10 **(A) IN THIS SECTION, “CRITICAL AREA” INCLUDES THE AREAS**
11 **DESIGNATED AS THE CHESAPEAKE BAY CRITICAL AREA AND THE ATLANTIC**
12 **COASTAL BAYS CRITICAL AREA UNDER § 8–1807 OF THE NATURAL RESOURCES**
13 **ARTICLE.**

14 **(B) THIS SECTION DOES NOT APPLY IN THE CRITICAL AREA.**

15 **(C) FOR THE PURPOSES OF ISSUING A PERMIT OR VARIANCE RELATING**
16 **TO ZONING, CONSTRUCTION, OR STORMWATER FOR A PROJECT TO INSTALL A**
17 **SOLAR PANEL, ANY CALCULATION RELATING TO THE IMPERVIOUS SURFACE OF**
18 **THE PROJECT REQUIRED BY THE STATE OR LOCAL GOVERNING AUTHORITY**
19 **ISSUING THE PERMIT OR VARIANCE MAY INCLUDE ONLY ~~THE BASE OF THE~~ THE**
20 **FOUNDATION OR BASE SUPPORTING THE SOLAR PANEL.**

21 10–103.

22 (a) Except as provided in this section, this division does not apply to
23 Baltimore City.

24 (b) The following provisions of this division apply to Baltimore City:

25 (1) this title;

26 (2) § 1–101(m) (Definitions – “Priority funding area”);

27 (3) § 1–101(o) (Definitions – “Sensitive area”);

28 (4) § 1–201 (Visions);

29 (5) § 1–206 (Required education);

- 1 (6) § 1–207 (Annual report – In general);
- 2 (7) § 1–208 (Annual report – Measures and indicators);
- 3 (8) Title 1, Subtitle 3 (Consistency);
- 4 (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties –
5 Comprehensive Plans; Implementation);
- 6 (10) § 4–104(b) (Limitations – Bicycle parking);
- 7 (11) § 4–205 (Administrative adjustments);
- 8 (12) § 4–207 (Exceptions – Maryland Accessibility Code);
- 9 (13) **§ 4–210 (PERMITS AND VARIANCES – SOLAR PANELS);**
- 10 (14) § 5–201(d) (Subdivision regulations – Burial sites);
- 11 [(14)] (15) Title 7, Subtitle 1 (Development Mechanisms);
- 12 [(15)] (16) Title 7, Subtitle 2 (Transfer of Development Rights);
- 13 [(16)] (17) Title 7, Subtitle 3 (Development Rights and Responsibilities
14 Agreements);
- 15 [(17)] (18) Title 7, Subtitle 4 (Inclusionary Zoning); and
- 16 [(18)] (19) Title 11, Subtitle 2 (Civil Penalty).

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2012, the effective date of Chapter ____ (H.B. ____)(2lr0396) of the Acts of
19 the General Assembly of 2012. If the effective date of Chapter ____ is amended, this
20 Act shall take effect on the taking effect of Chapter _____.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.